

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH PENLEY #256574,

Petitioner,

Hon. Phillip J. Green

v.

Case No. 1:20-cv-132

JOHN DAVIDS,

Respondent.

_____ /

JUDGMENT

Consistent with the Memorandum Opinion filed this day (ECF No. 15), the undersigned finds that Petitioner is being confined in violation of the United States Constitution. Accordingly, it is the **JUDGMENT** of this Court that Kenneth Penley's petition for writ of habeas corpus is hereby **GRANTED**.

Further, **IT IS ORDERED** that the State of Michigan shall release Petitioner from custody or afford him a new trial within 120 days.

IT IS SO ORDERED.

Date: February 28, 2023

/s/ Phillip J. Green _____
PHILLIP J. GREEN
United States Magistrate